

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Jerry Lynn Tucker, III,

Plaintiff,

Case No. 24-10794

v.

Judith E. Levy

United States District Judge

Altisource,¹

Mag. Judge Kimberly G. Altman

Defendant.

_____/

**ORDER VACATING ORDER TO SHOW CAUSE [8], GRANTING
PLAINTIFF’S APPLICATION TO PROCEED WITHOUT
PREPAYING FEES [5][12], AND GRANTING DEFENDANT’S
MOTION FOR EXTENSION OF TIME [10]**

On March 28, 2024, *pro se* Plaintiff Jerry Lynn Tucker, III, filed the complaint in this quiet title case. (ECF No. 1.) In his complaint, Plaintiff claims that he has ownership of a property in Detroit. (*Id.*) That same day, the Clerk entered a notice of filing fee not paid, stating that Plaintiff had not paid the filing fee and that he must do so by April 11, 2024. (ECF No. 2.) On April 8, 2024, Plaintiff filed a document requesting permission

¹ Defendant states that it is incorrectly named as “Altisource,” and is actually “Altisource Solutions, Inc.” (ECF No. 14, PageID.38.)

to proceed *in forma pauperis*. (ECF No. 5, PageID.12.) On April 22, 2024, the Court ordered Plaintiff to show cause why this case should not be dismissed for failure to pay the filing fee or for lack of subject matter jurisdiction. (ECF No. 8.) In a document dated May 5, 2024, Plaintiff timely responded to the show cause order. (ECF No. 12.) In this document, Plaintiff attached a completed application to proceed in district court without prepaying fees or costs. (*Id.* at PageID.33–34.) Plaintiff also responded to the Court’s order to show cause as to subject matter jurisdiction. (*Id.* at PageID.31–32.) Defendant also responded to the Court’s order to show cause. (ECF No. 14.)

First, the Court’s order to show cause as to Plaintiff’s failure to pay the filing fee has been satisfied and is vacated, and Plaintiff’s application to proceed without prepaying fees is granted. Federal courts “may authorize the commencement . . . of any suit, action or proceeding . . . without prepayment of fees . . . by a person who submits an affidavit that includes a statement . . . that the person is unable to pay such fees.” 28 U.S.C. § 1915(a)(1). Plaintiff’s application indicates that he receives \$1,350.00 biweekly in take-home pay or wages, has \$1,315.00 in monthly expenses, and has \$175.00 in a checking or savings account. (ECF No. 12,

PageID.33–34.) Given Plaintiff’s lack of financial resources, the Court finds that Plaintiff satisfies the requirements under 28 U.S.C. § 1915(a)(1), and his application to proceed without prepayment of fees is granted.

Second, the Court’s order to show cause as to subject matter jurisdiction is vacated. (ECF No. 8.)

Finally, Defendant’s motion for extension of time is granted. (ECF No. 10.) Defendant must file its **motion to dismiss or answer** by **Friday, May 31, 2024**.

IT IS SO ORDERED.

Dated: May 10, 2024
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 10, 2024.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager